

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-cr-20656  
District Judge Paul D. Borman

ANTHONY MAZZIO,

Defendant. \_\_\_\_\_/

**ORDER DENYING DEFENDANT ANTHONY MAZZIO'S MOTION FOR  
COMPASSIONATE RELEASE**

**BACKGROUND**

Defendant filed a Motion for Compassionate Release. (ECF No. 104.) The Government filed a Response in Opposition. (ECF No. 106.)

In the instant case, Defendant pled guilty to conspiracy with intent to distribute cocaine in 2016. He received a 13-year sentence. He has served close to four years of that sentence; his projected BOP release date is May 11, 2028.

Defendant contends that his medical condition supports his request for compassionate release: high blood pressure (hypertension), obesity, low kidney function, and a herniated disk in his lower back. Defendant adds that these conditions could be aggravating factors were he to contract COVID-19.

Defendant also contends that he is not a threat to the public if released. He states that he has had no discipline issues since being incarcerated, and was

previously employed as a Recreation Orderly while initially detained at FCI-Milan. Defendant's present place of incarceration is FCI-Morgantown, which he contends has a COVID outbreak.

Defendant contends that his criminal history is relatively old and non-violent, and that if released, he would not be a danger to the safety of the community.

The Government Response in Opposition points out that the underlying criminal conduct in this case involves 25 kilograms of cocaine, that the Bureau of Prisons has implemented a successful COVID-19 Action Plan, that Defendant has not established extraordinary and compelling reasons for compassionate release, and that an examination of the 18 U.S.C. § 3553(a) factors does not support release from incarceration because, *inter alia*, if released he would constitute a danger to the safety of the community.

## **DISCUSSION**

The Court notes that FCI-Morgantown currently has 0 (zero) positive inmate COVID cases, and 1 (one) positive staff case. The Court notes that Defendant's Presentence Report, dated February 7, 2017, lists only one "Physical Condition" concern: a high blood pressure diagnosis that was treated with a prescription drug.

The Court notes that Defendant's present medical conditions are being treated, that he is in general population, that he utilizes a "walker" due to a

herniated disc, and further, that he received his first dose of COVID-19 vaccination on April 6, 2021. (Per Joseph T. McGuire, Senior Attorney Advisor, Federal Bureau of Prisons, April 19, 2021 phone conversation.)

The Court concludes that there are no extraordinary and compelling medical reasons that support compassionate release.

The Court notes that Defendant's Presentence Report in the instant case lists a federal cocaine drug conviction in 1993, that included his personal possession of a .380 caliber pistol, and four additional firearms were found in his house. The Court also notes that Defendant's criminal history includes a federal multi-kilogram cocaine conviction in 1999, for which he received a 240-month sentence, and then, while being on supervised release in 2016, he was violated and sentenced to an additional 46 months of incarceration.

The Court finds that its 18 U.S.C. § 3553(a) factors analysis, supports denial of Defendant's Motion:

1. The nature and circumstances of this offense are very serious. Defendant's criminal history evidences continuous drug dealing in large amounts of cocaine, and violating the Court's supervised release conditions.
2. There is a need for this sentence to reflect the seriousness of this offense, to promote respect for the law, and to provide just punishment--serving out a substantial portion of his sentence--so as to deter others from similar criminal conduct, and to

protect the public from further crimes by this  
continuously drug dealing Defendant.

**CONCLUSION**

Accordingly, the Court DENIES Defendant Anthony Mazzio's Motion for  
Compassionate Release.

SO ORDERED.

DATED: April 20, 2020

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE